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Paper No. 4

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In re Application of Sugawara, et al. Application No. 09/835,205 Filed: April 13, 2001 Attorney Docket No.: 01225/LH For: OPTICAL PICKUP HAVING TWO WAVELENGTH LASER AND SIMPLE STRUCTURE **COPY MAILED**

ON PETITION

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OFFICE OF PETITIONS

This is a decision on the petition filed August 27, 2001 in response to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") mailed June 26, 2001.

The application was filed April 13, 2001. The Notice mailed June 26, 2001 indicates that a filing date of April 13, 2001 had been accorded the application, but that the page 18 of the specification appeared to have been omitted.

The Notice permits applicant to either: (1) establish prior receipt in the PTO of page 18 of the specification or (2) submit the omitted page of specification and accept the date of such submission as the application filing date. An assertion that the missing page of specification was in fact deposited in the PTO with the application papers must made by way of petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted item in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted item with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

Petitioner alleges that the application was deposited with the Office on April 13, 2001 and included 19 pages of specification.

Petitioner has submitted a copy of a postcard date stamped by the Office acknowledging receipt of the application papers, including 19 pages of specification. A copy of page 18 of the specification was supplied with the instant petition.

The original page 18 of the specification submitted with the application papers has not been located. However, in view of the evidence presented, the petition to include page 18 of the specification in the application is **GRANTED**.

Since the original page 18 of the specification cannot be located in the Office, the copy supplied with the instant petition will be substituted in place thereof for examination purposes.

This application will be forwarded to Office of Initial Patent Examination for further processing with a filing date of April

13, 2001, using the copy of page 18 supplied herewith.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

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Beverly M. Flanagan Supervisory Petitions Examiner Office of Petitions Office of the Deputy Commissioner for Patent Examination Policy